UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _30 November 2009_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-25_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-25_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   This in response to amendment filed 11/30/2009. No claims have been added.

No claims have been canceled. Claims 1, 6, 11 and 21 have been amended. Claims 1-

25 are still pending in this application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1, 11-15 and 21-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable by Beck (US PAT # 6,108,711) in view of Kishinsky et al. (US PAT #

6,067,357).

        Regarding claims 1, 11 and 21, Beck teaches a method of guiding a conversation

taking place between a client (customer a and b as shown in Fig. 2) and a live agent

(agent a and b as shown in Fig. 2) through a communication system such as the

network shown in Figs. 1-2), such method comprising: detecting an identity of the client

(this reads on the caller ID, See col. 1, lines 57-col. 2, lines 1-5) and information content

of the conversation (col. 4, lines 54-67); determining a goal of the client from the

detected information content (this simply reads on the what does the client desire *or* the

purpose of the call); and suggesting a subject matter to the agent to guide the

conversation towards the goal of the client (see col. 12, lines 18-21).

        Beck does not specifically teach determining a <u>conversational</u> goal and

suggesting a subject matter <u>and responses based upon the detected information</u>... etc.

        However, Kishinsky teaches in a management of call center systems an

executable software module compiled from the generated Petri Net and is adapted to

provide a displayable script for an agent at an agent station in a telephony call center.

Kishinsky teaches creating a script for <u>directing an agent in a call center in conducting</u>

<u>an interview with a client in a telephone conversation</u>. Such scripts in practice are sent

to an <u>agent's station to be displayed as an aid in guiding the agent in conducting</u>

<u>operations in the call center, such as interacting with a client on a call</u> (see col. 3, lines

50-55 and col. 4, lines 11-17).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate feature of having a ready scripts to be viewed when

an agent handling a call with client, as taught by Kishinsky, into the into the beck

system's in order to enhance the system's efficiency by providing an efficient and

extended customer service to the callers. Also, having ready scripts that aids the agent

in handling different aspects of customer's inquiries and requests will absolutely <u>speed</u>

the processing of handling customers communications.

Claims 2 and 12 limitations are obvious and well known in the art. This basically

reads on finding client's preferences based on certain words spoken by the client.

Claims 3 and 13 are obvious and well known in the art.

Regarding claim15, Beck teaches recognizing a voice content of a conversation

between the client and the agent (see col. 7, lines 48-65).

Regarding claim 22, Beck teaches determining an identity of the client from the detected information content (see col. 1, lines 57-67).

Regarding claim 23, Beck teaches retrieving contact information based upon the determined identity of the client (see col. 4, lines 65-67 and col. 2, lines 1-4).

4.   Claims 4-10, 14, 16-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. in view of Kishinsky and further in view of Bohacek et al. (US PAT # 6,411,687).

Regarding claims 6 and 16, the combination of Beck in view of Shambaugh does not specifically teach performing stress analysis on a voice of a client.

However, Bohacek teaches a speech recognition device that detects high stress or annoyed callers (see abstract of the invention and col. 1, lines 45-52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of analyzing and detecting the high stressed voice of a caller, as taught by Bohacek, into the combination of Beck and Kishinsky in order to provide an enhanced and efficient services to the callers by maintaining happier and satisfied clients/callers. For "modifying suggested responses in response …etc." see Bohacek col. 3, lines 60-67 through col. 4, lines 1-8

Regarding claims 4 and 14 see Bohacek col. 1, lines 45-46 and lines 61-67 and col. 2, lines 2-53.

For claims 5 and 24 limitations see Bohacek col. 1, lines 61-67 and col. 3, lines 60-67 through col. 4, lines 1-8

Claims 7 and 25 limitations are obvious and well known in the art.

Regarding claim17, Bohacek teaches measuring a voice pitch of the voice of the client (see col. 3, lines 55-59).

Regarding claims 8 and 18, Bohacek teaches measuring a word rate of the voice of the client (this preformed by word analyzer 44, see col. 3, lines 7-54 and Fig. 4).

Claims 9-10 and 19-20 recite displaying a text message on a terminal used by the agent. Beck teaches an agent work station that is equipped with a PC capable of handling different multimedia. Thus displaying the suggestion either by text or in the form of an audible message is obvious if not inherent in the Beck system.

Response to Arguments

5.   Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues (Page 7 of the Remarks) that Beck describes a system for managing interactions wherein the extracted knowledge from transactions is used in routing. Kishinsky describes a GUI adapted for modeling call center behavior and programming scripts. Beck is thus are concerned with routing contacts to agents and Kishinsky describes using pre-programmed scripts, but they do not concern analysis of ongoing conversations between an agent and a caller and thus do not teach detecting information content of the conversation". The Examiner is respectfully disagrees with Applicant's argument for the following reasons: first, it appears that Applicant is reading each reference individually and not considering the 35 USC 103 (a) rejection as a whole. Second, claim 1 recites " a method for guiding an ongoing conversation taking place between a client and a live agent through a communication system such a method comprising: detecting…, determining…, etc". The claim specifically does not recite "analysis of ongoing conversations between...etc" as stated by Applicant. Third, the applied priors art and precisely Kishinsky does not provide a random script to the agent to be provided to the caller. All scripts must have some logic that can aid in assisting the agent servicing that particular customer. Agents will be answering customers' *needs* and this is analogues to analyzing the conversation between an agent and a caller.

Applicant also argues that "The Office Action asserts that Beck discloses determining a goal and that this language reads on what the client desires or the

purpose of the call but does not cite a passage disclosing this in Beck". Although the Examiner believes that this limitation is extremely obvious if not inherent in Beck, however the Examiner brings to Applicant's attention that Beck discloses that the system taught by Beck including various function and one of those functions is analyzing (see col. 6, lines 50-56).

Regarding Applicant's argument (Page 8 of the Remarks) that recites "Beck does not determine the client's desires or purpose of the call", the Examiner respectfully disagrees because the main reason of having agents within call centers is to service callers and provide the callers need and requests. So this limitation is obvious if not inherent within the teachings on *any call center (ACD)*.

Applicant also argues (Page 8 of the Remarks) that "Beck discloses suggesting subject matter at Col. 12, lines 18-21. However, Beck merely discloses providing predetermined scripts (Col. 12, lines 20-21) but does not disclose providing subject matter and responses based upon the detected content and goals". Again, it is noted that Applicant's each reference individually and not considering the 35 USC 103 (a) rejection as a whole. The combination of references will result in subject matter and responses based upon the detected content and goals.

Applicant also argues "Thus, Beck does not disclose all the claimed features of the claims 1-25, and therefore, does not anticipate claims 1-25". Applicant is reminded

that this is a 35 USC 103 (a) rejection. Therefore the reference does not have to teach

every single limitation.

Applicant also adds (Page 9 of the Remarks) that "Kishinsky teaches use of pre-

programmed scripts but does not teach determining a conversations goal of client

talking to agent ...etc". Again, it is noted that Applicant's each reference individually and

not considering the 35 USC 103 (a) rejection as a whole.

Applicant argues (Page 9 of the Remarks) that

> "None of these passages disclose the claimed features of: a) determining
> a conversational goal of a client in a conversation between an agent and a
> client (there is no analysis of a conversation between agent and caller); b)
> suggesting subject matter to an agent based upon the determined
> conversational goal of the client (there is only a pre-programmed script); c)
> suggesting responses to an agent based upon the determined
> conversational goals of the client (there is no mention of scripts or
> responses based on conversational goals determined from conversation
> information content); d) guiding the conversation between the agent and
> the client to the determined conversational goal; or e) adapting the
> conversational content of the agent to the conversational tendencies of the
> client".

However, it is unclear in which claims these limitations (a, b, c, d or e) cited by

the Applicant are found.

The Examiner believes that all other arguments are already addressed in the

above rejection.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571)

272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to

5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614